

## **2011 DRAFTING REQUEST**

### **Assembly Amendment (AA-AB597)**

Received: **03/05/2012**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Thomas Tiffany (608) 266-7694**

By/Representing: **Rob Kovach (Lasee)**

May Contact:

Drafter: **rkite**

Subject: **Local Gov't - zoning**  
**Nat. Res. - wet/shore/flood**

Addl. Drafters: **mshovers**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Tiffany@legis.wi.gov**

Carbon copy (CC:) to:

---

#### **Pre Topic:**

No specific pre topic given

---

#### **Topic:**

Various changes

---

#### **Instructions:**

See attached; Same as LRBa2404

---

#### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 03/05/2012	csicilia 03/05/2012		_____			
/1			jmurphy 03/05/2012	_____	mbarman 03/05/2012	mbarman 03/05/2012	

FE Sent For:

<END>

**2011 DRAFTING REQUEST**

**Assembly Amendment (AA-AB597)**

Received: **03/05/2012**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Thomas Tiffany (608) 266-7694**

By/Representing: **Rob Kovach (Lasee)**

May Contact:

Drafter: **rkite**

Subject: **Local Gov't - zoning**  
**Nat. Res. - wet/shore/flood**

Addl. Drafters: **mshovers**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Tiffany@legis.wi.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Various changes

---

**Instructions:**

See attached; Same as LRBa2404

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite	1 <i>ys</i> 3/5 12	<i>pm</i> 3/5	<u>SELF</u> 3/5			

FE Sent For:

<END>

**Kite, Robin**

---

**From:** Kovach, Robert  
**Sent:** Thursday, March 01, 2012 12:16 PM  
**To:** Kite, Robin; Shovers, Marc  
**Cc:** Tiffany, Tom  
**Subject:** FW: AB 597/SB 472

See below, I would you please amend the existing ammendment 2522/1 as well as the assy version (see note from Rep Tiffany below)

I will bring back the stripes later.

Thank you!

Rob Kovach  
Chief of Staff  
Office of State Senator Frank Lasee  
608-266-3512

---

**From:** Larson, Tom [mailto:tlarson@wra.org]  
**Sent:** Thursday, March 01, 2012 9:32 AM  
**To:** Kovach, Robert  
**Subject:** FW: AB 597/SB 472

Hi Rob.

Here is the additional amendment to SB 472 – Page 3, line 10 (page 5, line 5) and (page 5, line 20) – delete “reconstruction”

Thanks.

Tom

\*\*\*\*\*

*Thomas D. Larson - Vice President of Legal and Public Affairs*

Wisconsin REALTORS Association

4801 Forest Run Road Suite 201

Madison, WI 53704-7337

Phone 608-240-8254

Cell 608-212-0066

Fax 608-241-2901

<<<[<>>>](http://www.wra.org/)

\*\*\*\*\*

**Unsubscribe:** If you unsubscribe, you are directing the WRA to discontinue all e-mail to your e-mail address. You will not receive any further correspondence from the WRA via e-mail (including, but not limited to, education and convention reminders, political communications such as calls to action, dues information, committee materials, legal department communications including DR Hottips, etc.), and your e-mail address will be removed from all WRA membership lists, including the "Find a REALTOR" directory on the WRA Web site and membership lists furnished to other boards. To unsubscribe, click here: [unsubscribe@wra.org](mailto:unsubscribe@wra.org?subject=Unsubscribe) <<mailto:unsubscribe@wra.org?subject=Unsubscribe>>

This e-mail message is intended solely for the person to whom it is addressed and may contain confidential and/or privileged

3/5/2012

information. If you have received this e-mail message in error, but are affiliated with the person to whom it is addressed, please notify the addressee that the e-mail has been received (otherwise delete it). Any review, dissemination, copying, printing or other use of this email message by persons other than the addressee is prohibited.

---

**From:** [tomtiffany@newnorth.net](mailto:tomtiffany@newnorth.net) [<mailto:tomtiffany@newnorth.net>]

**Sent:** Wednesday, February 29, 2012 11:22 AM

**To:** Larson, Tom

**Subject:** Re: AB 597/SB 472

Ok with me. Tt

*Sent from my Verizon Wireless 4G LTE DROID*

-----Original message-----

**From:** "Larson, Tom" <[tlarson@wra.org](mailto:tlarson@wra.org)>

**To:** [Rep.Tiffany@legis.wisconsin.gov](mailto:Rep.Tiffany@legis.wisconsin.gov), [tomtiffany@newnorth.net](mailto:tomtiffany@newnorth.net), [Robert.Kovach@legis.wisconsin.gov](mailto:Robert.Kovach@legis.wisconsin.gov)

**Sent:** Wed, Feb 29, 2012 09:28:49 CST

**Subject:** AB 597/SB 472

Tom and Rob,

Curt Witynski (w/ the League) is requesting one small change to the nonconforming structures bill in order to remain neutral on the bill. He wants word "reconstruction" deleted from Page 3, line 10 of the bill. This change would still allow property owners to repair and maintain their nonconforming structures, but it wouldn't allow them to tear it down and rebuild to the exact same dimensions. If they wanted to rebuild it, they would have to bring it into conformity with the ordinance.

I think the change is worth making in order to keep the League neutral. Please let me know your thoughts. Thanks.

Tom

This e-mail message is intended solely for the person to whom it is addressed and may contain confidential and/or privileged information. If you have received this e-mail message in error, but are affiliated with the person to whom it is addressed, please notify the addressee that the e-mail has been received (otherwise delete it). Any review, dissemination, copying, printing or other use of this email message by persons other than the addressee is prohibited.

**From:** Curt Witynski [<mailto:witynski@lwm-info.org>]

**Sent:** Tuesday, February 28, 2012 5:05 PM

**To:** Larson, Tom

**Subject:** RE: Aerials

We are still neutral. But if you don't take it out, we'd have to move to oppose. Thanks.

Curt

**From:** Larson, Tom [<mailto:tlarson@wra.org>]

3/5/2012

Sent: Tuesday, February 28, 2012 5:03 PM  
To: Curt Witynski  
Subject: RE: Aerials

If we take it out, will you change your position to "support?"

\*\*\*\*\*

Thomas D. Larson - Vice President of Legal and Public Affairs  
Wisconsin REALTORS Association  
4801 Forest Run Road Suite 201  
Madison, WI 53704-7337  
Phone 608-240-8254  
Cell 608-212-0066

Fax 608-241-2901

<<<<http://www.wra.org/>>>>

\*\*\*\*\*

Unsubscribe: If you unsubscribe, you are directing the WRA to discontinue all e-mail to your e-mail address. You will not receive any further correspondence from the WRA via e-mail (including, but not limited to, education and convention reminders, political communications such as calls to action, dues information, committee materials, legal department communications including DR Hottips, etc.), and your e-mail address will be removed from all WRA membership lists, including the "Find a REALTOR" directory on the WRA Web site and membership lists furnished to other boards. To unsubscribe, click here: [unsubscribe@wra.org](mailto:unsubscribe@wra.org) <<mailto:unsubscribe@wra.org?subject=Unsubscribe>>

This e-mail message is intended solely for the person to whom it is addressed and may contain confidential and/or privileged information. If you have received this e-mail message in error, but are affiliated with the person to whom it is addressed, please notify the addressee that the e-mail has been received (otherwise delete it). Any review, dissemination, copying, printing or other use of this email message by persons other than the addressee is prohibited.

From: Curt Witynski [<mailto:witynski@lwm-info.org>]

Sent: Tuesday, February 28, 2012 4:28 PM

To: Larson, Tom

Subject: FW: Aerials

Tom: I'm forwarding to you examples of why Oshkosh is concerned about the "reconstruction" language in SB 472. Oshkosh staff points out that there are good reasons why the city does not want certain nonconforming structures to be rebuilt precisely on the same footprint. Would you be willing to amend by removing the work "reconstruction" from the changes to ch. 61 and 62?

\*\*\*\*\*

Curt Witynski

Assistant Director

League of Wisconsin Municipalities

122 West Washington Ave.

Madison, WI 53703

3/5/2012

(608) 267-2380

From: Burich, Darryn [<mailto:dburich@ci.oshkosh.wi.us>]  
Sent: Tuesday, February 28, 2012 2:22 PM  
To: Curt Witynski  
Subject: Aerials

Curt, here are some aerials that show nonconforming buildings and why we wouldn't want them to just rebuild in place. If I had more time I could have came up with many more and will find some more examples.

Darryn Burich

Planning Director

City of Oshkosh

920-236-5055

[http://www.ci.oshkosh.wi.us/Community\\_Development/Planning.htm](http://www.ci.oshkosh.wi.us/Community_Development/Planning.htm)

3/5/2012



Today  
State of Wisconsin  
2011 - 2012 LEGISLATURE



Rm  
not run  
a2614/1

LRB62404/3

MES&RNK:cjs&wlj:jm

stays

Assembly  
**SENATE AMENDMENT,**  
TO 2011 **SENATE BILL (472)** 597  
Assembly

D-Note

Gov  
compare  
bill to

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 "**SECTION 1e.** 59.69 (10) (a) of the statutes is renumbered 59.69 (10) (am).

4 **SECTION 1g.** 59.69 (10) (ab) of the statutes is created to read:

5 59.69 (10) (ab) In this subsection "nonconforming use" means a use of land, a  
6 dwelling, or a building that existed lawfully before the current zoning ordinance was  
7 enacted or amended, but that does not conform with the use restrictions in the  
8 current ordinance.

9 **SECTION 1h.** 59.69 (10) (e) 1. of the statutes is amended to read:

10 59.69 (10) (e) 1. In this paragraph, "amortization ordinance" means an  
11 ordinance that allows the continuance of the lawful use of a nonconforming building,  
12 premises, structure, or fixture that may be lawfully used as described under par. (a)  
13 (am) but only for a specified period of time, after which the lawful use of such

1 building, premises, structure, or fixture must be discontinued without the payment  
2 of just compensation.

3 **SECTION 1i.** 59.69 (10) (e) 2. of the statutes is amended to read:

4 59.69 **(10)** (e) 2. Subject to par. ~~(a)~~ (am), an ordinance enacted under this section  
5 may not require the removal of a nonconforming building, premises, structure, or  
6 fixture by an amortization ordinance.”.

7 **2.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1j**”.

8 **3.** Page 3, line 1: delete “Dimensional requirements” and substitute  
9 “Development regulations”.

10 **4.** Page 3, line 5: after “enacted” insert “or amended”.

11 **5.** Page 3, line 6: delete “dimensional requirements” and substitute  
12 “development regulations”.

13 **6.** Page 3, line 6: delete “ordinance” and substitute “ordinance.”.

14 **7.** Page 3, line 7: delete lines 7 and 8.

15 **8.** Page 3, line 10: delete “reconstruction.”.

16 **9.** Page 3, line 11: delete lines 11 and 12 and substitute “nonconforming  
17 structure.”.

18 **10.** Page 3, line 13: delete lines 13 to 25.

19 **11.** Page 4, line 2: delete lines 2 to 6 and substitute:

20 “59.692 **(2m)** (a) In this subsection:

21 1. “Development regulations” means the part of a shoreland zoning ordinance  
22 enacted under this section that applies to elements including setback, height, lot  
23 coverage, and side yard.



1           2. “Nonconforming structure” means a dwelling or other building that existed  
2 lawfully before the current zoning ordinance was enacted or amended, but that does  
3 not conform with one or more of the development regulations in the current  
4 shoreland zoning ordinance.”.

5           **12.** Page 4, line 8: delete “regulates the use,” and substitute “does any of the  
6 following:”.

7           **13.** Page 4, line 8: before “location” insert:

8           “1. Regulates the”.

9           **14.** Page 4, line 11: after that line insert:

10           “2. Regulates the construction of a structure or building on a substandard lot  
11 if that provision is more restrictive than the shoreland zoning standards for  
12 substandard lots promulgated by the department under this section.”.

13           **15.** Page 4, line 14: delete “regulates the use,” and substitute “does any of the  
14 following:”.

15           **16.** Page 4, line 14: before “location” insert:

16           “1. Regulates the”.

17           **17.** Page 4, line 17: after that line insert:

18           “2. Regulates the construction of a structure or building on a substandard lot  
19 if that provision is more restrictive than the shoreland zoning standards for  
20 substandard lots promulgated by the department by rule under this section.

21           **SECTION 3e.** 60.61 (5) (a) of the statutes is renumbered 60.61 (5) (am).

22           **SECTION 3k.** 60.61 (5) (ab) of the statutes is created to read:

23           60.61 (5) (ab) In this subsection “nonconforming use” means a use of land, a  
24 dwelling, or a building that existed lawfully before the current zoning ordinance was

1 enacted or amended, but that does not conform with the use restrictions in the  
2 current ordinance.

3 **SECTION 3m.** 60.61 (5) (e) 1. of the statutes is amended to read:

4 60.61 (5) (e) 1. In this paragraph, “amortization ordinance” means an  
5 ordinance that allows the continuance of the lawful use of a nonconforming building,  
6 premises, structure, or fixture that may be lawfully used as described under par. (a)  
7 (am), but only for a specified period of time, after which the lawful use of such  
8 building, premises, structure, or fixture must be discontinued without the payment  
9 of just compensation.

10 **SECTION 3n.** 60.61 (5) (e) 2. of the statutes is amended to read:

11 60.61 (5) (e) 2. Subject to par. ~~(a)~~ (am), an ordinance enacted under this section  
12 may not require the removal of a nonconforming building, premises, structure, or  
13 fixture by an amortization ordinance.”.

14 **18.** Page 4, line 21: delete “Dimensional requirements” and substitute  
15 “Development regulations”.

16 **19.** Page 4, line 25: after “enacted” insert “or amended”.

17 **20.** Page 5, line 1: delete “dimensional requirements” and substitute  
18 “development regulations”.

19 **21.** Page 5, line 1: delete “ordinance” and substitute “ordinance.”.

20 **22.** Page 5, line 2: delete lines 2 and 3.

21 **23.** Page 5, line 5: delete “reconstruction.”.

22 **24.** Page 5, line 6: delete lines 6 and 7 and substitute: “nonconforming  
23 structure.”.

1           **25.** Page 5, line 7: after that line insert:

2           “**SECTION 4m.** 62.23 (7) (a) of the statutes is renumbered 62.23 (7) (am).

3           **SECTION 4p.** 62.23 (7) (ab) of the statutes is created to read:

4           62.23 (7) (ab) *Definition.* In this subsection “nonconforming use” means a use  
5 of land, a dwelling, or a building that existed lawfully before the current zoning  
6 ordinance was enacted or amended, but that does not conform with the use  
7 restrictions in the current ordinance.”.

8           **26.** Page 5, line 11: delete “Dimensional requirements” and substitute  
9 “Development regulations”.

10          **27.** Page 5, line 15: after “enacted” insert “or amended”.

11          **28.** Page 5, line 16: delete “dimensional requirements” and substitute  
12 “development regulations”.

13          **29.** Page 5, line 16: delete “ordinance” and substitute “ordinance.”.

14          **30.** Page 5, line 17: delete lines 17 and 18.

15          **31.** Page 5, line 20: delete “reconstruction,”.

16          **32.** Page 5, line 21: delete lines 21 and 22 and substitute: “nonconforming  
17 structure.”.

18          **33.** Page 5, line 22: after that line insert:

19          “**SECTION 6m.** 62.23 (7a) (intro.) of the statutes is amended to read:

20          62.23 (7a) EXTRATERRITORIAL ZONING. (intro.) The governing body of any city  
21 which has created a city plan commission under sub. (1) and has adopted a zoning  
22 ordinance under sub. (7) may exercise extraterritorial zoning power as set forth in  
23 this subsection. Insofar as applicable sub. (7) ~~(a)~~ (am), (b), (c), (ea), (h) and (i) shall

1 apply to extraterritorial zoning ordinances enacted under this subsection. This  
2 subsection shall also apply to the governing body of any village.

3 **SECTION 6s.** 92.15 (5) of the statutes is amended to read:

4 92.15 (5) Any livestock operation that exists on October 14, 1997, and that is  
5 required to obtain a permit under s. 283.31 or that receives a notice of discharge  
6 under ch. 283 may continue to operate as a livestock operation at the same location  
7 notwithstanding s. 59.69 (10) ~~(a)~~ (am) or 62.23 (7) (h) or any zoning ordinance enacted  
8 under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7), if the livestock operation is a lawful  
9 use or a legal nonconforming use under any zoning ordinance enacted under s. 59.69,  
10 60.61, 60.62, 61.35 or 62.23 (7) on October 14, 1997.”.

11 (END)

*D-note*

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa2614/1dn

RNK:/:....

js

*date*

This amendment is identical to LRBa2514 but incorporates the latest requested changes. I drafted this proposal as a new amendment because, since LRBa2514 has already been introduced, it could not be redrafted. Please contact me if you have any questions.

Robin N. Kite  
Senior Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa2614/1dn  
RNK:cjs:jm

March 5, 2012

This amendment is identical to LRBa2514 but incorporates the latest requested changes. I drafted this proposal as a new amendment because, since LRBa2514 has already been introduced, it could not be redrafted. Please contact me if you have any questions.

Robin N. Kite  
Senior Legislative Attorney  
Phone: (608) 266-7291  
E-mail: [robin.kite@legis.wisconsin.gov](mailto:robin.kite@legis.wisconsin.gov)